IN THE

SUPREME COURT OF THE UNITED STATES

September Term, 1972

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No._____

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STEVEN MODLA, Petitioner,

vs.

SOUTHSIDE HOSPITAL and SCOTTY PARKER, et al,
Respondent.

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PETITION FOR A WRIT OF CERTIORARI TO THE

SUPREME COURT OF THE STATE OF ARIZONA

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The petitioner, Steven Modla, respectfully prays that a writ of certiorari issue to review the judgment and opinion of the Supreme Court of Arizona entered in this proceeding on June 21, 1972.

## OPINION BELOW

The opinions of the Superior Court of Maricopa County, Arizona, the Court of Appeals, Division One for the State of Arizona, and of the Supreme Court of Arizona, such opinions not yet reported, appear in the appendix hereto.

## JURISDICTION

A petition for review was denied by the Supreme Court of Arizona on June 21, 1972, at which date the Clerk entered the denial. This petition for certiorari was filed within 90 days of that date. The Court's jurisdiction is invoked under 28 U.S.C. §1257(3) in that the

petitioner was denied due process of law under the Fourteenth Amendment of the United States Constitution, such denial being shockingly wrong and thereby presenting due process questions to this Court. The order of the Supreme Court of Arizona is dated June 20, 1972. If the 90 days are figured from June 20 this petition may be late. A telegram requesting an extension was sent to the U.S. Supreme Court on September 18, 1972.

QUESTIONS PRESENTED

1. Whether the petitioner's right to counsel was denied by refusing to continue the hearing in Superior Court on the Respondent's Motion for Summary Judgment.

2. Whether due process was denied to the petitioner by the Superior Court not granting his motion for continuance

on the hearing for the Motion for Summary Judgment.

STATUTORY PROVISIONS INVOLVED

United States Code, Title 28:

§1257(3) State courts; appeal; certiorari

> By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question on the ground of its being repugnant to the Constitution, treaties or laws of the United States, or where any title, right, privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States.

## STATEMENT OF THE CASE

The petitioner Steven Modla instituted the above entitled and captioned action against the respondent for wrongful discharge from the hospital and slander on April 4, 1969. On or about the 31st day of October, 1969, the respondents moved for Summary Judgment. This motion was argued on December 9, 1969 and the petitioner appeared in propria persona. On or about the 11th day of December, 1969 a formal judgment was entered against the plaintiff. On or about March 25, 1970 the plaintiff's newly acquired attorney filed a motion for review from the final judgment. On or about the 3rd day of June, 1970, plaintiff's attorney James Keppel was allowed to withdraw from the case with the court's and plaintiff's permission. The oral argument on the motion for summary judgment by the respondents was scheduled for July 10, 1970. On

June 22, 1970 petitioner filed a letter with the Court from Dr. Carolyn F. Gerster, M.D., recommending that the petitioner have at least a two week period of rest, whereby the petitioner asked for a continuance for medical reasons and to allow him time to obtain the assistance of counsel. Such motion was denied and the Honorable Marilyn Riddel, Judge of the Superior Court, granted the respondent's motion for summary judgment on the 23rd day of July, 1972. Notice of appeal to the Court of Appeals was filed on September 15, 1970, such appeal affirming the lower court's decision. Petition for review was filed with the Supreme Court of Arizona on the 5th day of May, 1972, such petition being denied on June 1, 1972.

REASONS FOR GRANTING THE WRIT

1. THE DECISION BELOW DENIED THE PETITIONER DUE PROCESS

OF LAW UNDER THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION

Petitioner in this case has been denied the assistance of counsel. During the oral arguments on the respondents' motion for summary judgment on July 10, 1970, the petitioner requested additional time in which to secure the assistance of counsel. Such request was denied. The importance of counsel has been recognized in many criminal prosecutions. In those cases indigent defendants have requested the assistance of counsel though they cannot afford to pay for their services. In the case at bar, the petitioner is more than willing and capable of paying for the services of an attorney. He requested the court give him the additional time to secure the services of an attorney, because he did not feel

that he was capable of handling the complex legal issues which are raised in a motion for summary judgment. His contention that these legal issues were too difficult for him to contend with has been recognized in several cases. In Argersinger v. Hamlin, ____ U.S. ____, 32 L.ED. 530, 92 Sup. Ct. ___(1972), it is stated that the defendant in that case was "unable as a layman to properly raise and present to the trial court good and sufficient defenses." The Court went on to say "that the assistance of counsel is often a requisite to the very existence of a fair trial". (32 L.Ed. at 535) The petitioner in the case at bar feels that his right to be heard and his right to have a fair trial has been denied by his lack of counsel at oral argument for the motion for summary judgment. The case of Powell v. Alabama, 287 U.S. 60 at 68-69 states this proposition clearly:

"The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law."

This quotation explains exactly the position of the petitioner.

He pleaded his case when he stated to the court:

"Without being represented by counsel is in itself a flagrant denial of due process of law. I am at this moment desperately seeking an attorney of standing." (Abstract of Record, 146)

Petitioner thereby raised a substantial federal question in the Court below.

2. THE DECISION BELOW DENIED THE PETITIONER DUE PROCESS OF LAW UNDER THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION IN THAT HIS MOTION FOR CONTINUANCE WAS DENIED.

On June 22, 1970, the petitioner filed a letter with the court from a certified doctor recommending that Mr. Modla have two weeks rest, such letter constituting on behalf of the petitioner a motion for continuance. By the very nature of the case, that is, wrongful discharge from a hospital, the court was on notice that the petitioner was medically ill. In addition to such medical evidence being submitted the plaintiff in his response to the motion for summary judgment asked the court for a continuance.

"The short period allocated to me by the court to prepare my

briefs for summary judgment against the defendant in my sickness is quite impossible to properly prepare."

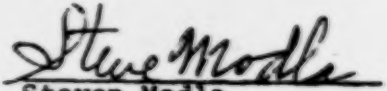
(Abstract of Record, 144)

Such motion was denied. By such denial the petitioner was forced to argue the elements of a motion for summary judgment without preparation and while he was medically ill.

## CONCLUSION

For these reasons, a writ of certiorari should issue to review the judgment and opinion of the Supreme Court of Arizona.

Respectfully submitted,



Steven Modla
1060 South Mesa Drive
Mesa, Arizona 85202
In Propria Persona

# APPENDICES

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

| | | |
|---|---|---|
| STEVE MODLA,<br><br>Plaintiff,<br><br>vs.<br><br>SOUTHSIDE HOSPITAL and SCOTTY PARKER, et al,<br><br>Defendant. | ) | Nos. C-221844<br>C-221845<br><br>JUDGMENT |

The defendant SCOTTY PARKER and defendant SOUTHSIDE HOSPITAL in the above captioned consolidated causes filed herein Motion for Summary Judgment pursuant to the provisions of Rule 56, Rules of Civil Procedure, and supporting the same by affidavits, exhibits, reference to the deposition of plaintiff and their memorandum of legal points and authorities, and the matter having been presented to the Court upon oral argument on December 9, 1969, at which time plaintiff was present in person, and

the Court having considered plaintiff's request for a continuance, with oral argument in support of such motion and in opposition thereto, found that plaintiff had more than adequate opportunity to obtain counsel and that his motion for continuance was not well taken; and the Court further found that defendants were entitled to the granting of their Motion for Summary Judgment that plaintiff take nothing by his respective complaints against said defendants. The Court hereafter made and entered a formal written judgment on December 11, 1969, to which reference is hereby made.

Plaintiff thereafter purported to take an appeal from the said judgment, but the same was dismissed April 28, 1970, by the Court upon motion of counsel then appearing for plaintiff. On or about March 25, 1970, plaintiff through his counsel filed a Motion for Relief from Final Judgment, being the aforesaid judgment made,

entered and filed December 11, 1969, to which defendants filed their response after which plaintiff filed a reply and after which other pleadings were filed herein to which reference is hereby made. On May 29, 1970, the Court denied plaintiff's Motion for Relief from Final Judgment, but thereafter the Court, upon its own motion, reconsidered and said motion and on May 25, 1970, made and entered its order vacating the prior order of May 20, 1970, and set aside the judgment entered and filed herein December 11, 1969, and set the hearing on the defendants' Motion for Summary Judgment for oral argument before the Court at a later date.

After a aforesaid order, plaintiff's counsel then of record filed his Request for Leave to Withdraw and after service of such request upon plaintiff, the Court on June 3, 1970, granted such request. The Court by minute entry order permitted additional time to

plaintiff in which to submit opposing memoranda and affidavits. On or about July 2, 1970, plaintiff filed what purported to be his response to the said Motion for Summary Judgment and his Motion for Summary Judgment against defendants.

On July 10, 1970, the matter came on for hearing, plaintiff being present in person and defendants being present by their counsel of record. Upon such hearing the Court considered and rejected plaintiff's Affidavit of Bias and Prejudice filed on July 9, 1970, whereupon extensive argument was heard by the Court and the Motions for Summary Judgment were taken under advisement. The Court, being fully advised, entered its minute entry order on July 20, 1970, again granting defendants' Motion for Summary Judgment that plaintiff take nothing by his respective complaints against said defendants.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that plaintiff take nothing

against defendant SCOTTY PARKER or against defendant SOUTHSIDE HOSPITAL upon his respective complaints filed against them, and that the Clerk be ordered to enter such judgment against plaintiff and in favor of the said defendants forthwith.

IT IS FURTHER ORDERED that defendants have and recover their taxable costs herein.

DONE IN OPEN COURT this 23rd day of July, 1970.

s/ Marilyn A. Riddel

J U D G E

COPY of the foregoing Judgment mailed this 23rd day of July, 1970, to:

Plaintiff
STEVE MODLA
1060 South Mesa Drive
Mesa, Arizona 85201

s/ Nicholas Udall
Nicholas Udall

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

| | | |
|---|---|---|
| STEVE MODLA, | ) | |
| | ) | |
| Appellant, | ) | 1 CA-CIV 1554 |
| | ) | DEPARTMENT B |
| v. | ) | |
| | ) | MARICOPA County |
| SCOTTY PARKER and | ) | Superior Court |
| SOUTHSIDE HOSPITAL, | ) | Nos. C-221844 and |
| | ) | C-221845 consolidated |
| Appellees. | ) | |
| | ) | ORDER |

The above-entitled matter was duly submitted to the Court. The Court has this day rendered its opinion.

IT IS ORDERED that the opinion be filed by the Clerk.

IT IS FURTHER ORDERED that a copy of order together with a copy of the opinion, be sent to each party appearing herein, or the attorney for such party, and to the HONORABLE MARILYN A. RIDDEL, Judge.

DATED this 6th day of April, 1972.

LEVI RAY HAIRE
PRESIDING JUDGE

The foregoing directives
were complied with this 6th
day of April, 1972, by
mailing required to:

Mr. Galen H. Wilkes
Law Offices of Herbert B. Finn
404 United Bank Building
Phoenix, Arizona 85012
Attorneys for Appellant

Mr. Nicholas Udall
Jennings, Strouss & Salmon
111 West Monroe
Phoenix, Arizona 85003
Attorneys for Appellees

The Hon. Marilyn A. Riddel, Judge
Maricopa County Superior Court
Old Courthouse Building
125 West Washington Street
Phoenix, Arizona 85003

CLASSIE GANTT, Clerk
By

_____
Deputy Clerk

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

| | | |
|---|---|---|
| STEVE MODLA, Appellant, vs. SCOTTY PARKER and SOUTHSIDE HOSPITAL, Appellees. | ) | 1 CA-CIV 1554 DEPARTMENT B |

Appeal from the Superior Court of Maricopa County ; Cause Nos. C-221845 (Consolidated); The Honorable Marilyn A. Riddel, Presiding

AFFIRMED

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Herbert B. Finn
By Galen H. Wilkes
Attorneys for Appellant — Phoenix

Jennings, Strouss & Salmon
By Nicholas Udall
Attorneys for Appellees — Phoenix

J A C O B S O N, Judge

The primary questions raised by this appeal deal with the liability of a hospital for discharging a patient and the question of what constitutes slander per se.

On July 15, 1968, plaintiff-appellant, Steve Modla, was admitted as a patient to the Southside Hospital for treatment of lesions on his lips. Almost immediately difficulties arose between appellant and his attending physician. The next day the doctor notified Scotty Parker, a hospital administrator, of his decision to terminate the case and discharge the patient. Later in the day Parker told appellant that the hospital regulations required a patient to have an attending physician responsible for the patient's medical care and treatment, and that since appellant had no attending physician it would be necessary to discharge him. Immediately prior to

the discharge, Parker in the presence of an assistant purportedly said to appellant, "Do me a favor and see a psychiatrist."

Thereafter, appellant filed a complaint against Parker individually, seeking damages for slander in the amount of $272,000. A second complaint was also filed against the hospital seeking damages for its alleged refusal to treat appellant and for wrongfully discharging his from the hospital. As a result of this conduct, appellant allegedly suffered damages in the amount of $750. In addition he prayed for one million dollars in punitive damages against each defendant. Upon motion by appellees both cases were consolidated for trial.

Following the filing of answers, appellees moved for summary judgment, which was granted in December, 1969. The following May, appellant's newly-appointed counsel made a motion for relief from this final judgment.

Initially, the trial court denied the motion but then sua sponte reconsidered said motion, reversed itself, setting aside the December, 1969, judgment. In June, appellant's second attorney was permitted to withdraw. In July, the court granted appellees' second motions for summary judgment. Upon retaining a third attorney, appellant has appealed from these judgments.

Appellees first contend that this appeal must be dismissed because the trial court erred in setting aside the judgment granted to them in December, 1969, from which there was no timely appeal. Under the circumstances set forth in Rule 60(c), Rules of Civil Procedure, 16 A.R.S., it is within the sound discretion of a trial court to set aside a final judgment and that action will not be disturbed on appeal except for clear abuse of discretion. Rule

60(c), Rules of Civil Procedure, 16 A.R.S., Eldridge v. Jagger, 83 Ariz. 150, 317 P.2d 942 (1957). In this case the trial court ruled on appellees' motion for summary judgment the same day they furnished the court with a copy of the hospital records. Rule 56(e), Rules of Civil Procedure, provides in part that "sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith." In addition, Rule 56(c) requires that "the motion shall be served at least ten days before the time fixed for the hearing." Appellant contends that these rules were not complied with and as a result he did not have sufficient time to reply adequately to the contents of the hospital records.

From a reading of the record we believe that sufficient grounds existed for setting aside the December 1969 judgment, and the trial court did not abuse its discretion in so doing.

As to the merits of the case, appellant contends that the trial court erred in granting summary judgment in favor of defendant Parker, as the statements he allegedly made were slanderous per se and presented a valid jury question as to his special damages. As a general rule, slander per quod is not actionable unless special damages are pleaded and proved. Berg v. Hohenstein, 13 Ariz. App. 583, 479 P.2d 730 (1971). However, slander per se is actionable without a need to plead or prove special damages if the utterance falls within one or more specified categories, damages in such case being assumed.

An oral defamation which concerns one in his profession, trade or business is the category which appellant relies upon in support of his contention that the statement was slanderous per se and therefore a genuine issue of material fact existed for the jury; that is, whether the statement made by Parker in fact

injured appellant's business.

In order to fit within the business category, the slanderous utterance must prejudice the person in the profession, trade or business in which he is actually engaged. This means that the statement must be of or concerning one in his business capacity. See, 53 C.J.S. Libel & Slander § 32-33 (1948) Lady Windsor Hairdressers, Inc. V. Calvo, 35 Misc. 2d 739, 231 N.Y.S.2d 221 (1962). Words which are merely injurious to one regardless of his occupation do not qualify as slander per se. Gunsberg v. Roseland Corp. 34 Misc.2d 220, 225, N.Y.S.2d 1020 (1962). The alleged utterance of Parker "do me a favor, see a psychiatrist," clearly does not pertain to appellant in any business capacity. This being so, it was not slander per se, and appellant was obliged to plead and prove special damages.

When one party moves for summary judgment, the non-moving party "may not rest upon

appellant and that duty was breached when appellant was wrongfully discharged from the hospital before he was cured. In support of the existence of this duty, appellant cites Meiselman v. Crown Heights Hospital, 285 N.Y. 389, 34 N.E.2d 367 (1941) as authority for the proposition that a hospital has a duty not to discharge a patient prematurely and abondon the case. We do not believe Meiselman to be apposite to the facts in this case.

In Meiselman, an eight year old boy who was desperately ill required hospitalization. After a blood transfusion and an operation on both legs, a bone infection set in. The hospital demanded payment from the boy's father, who was unable to pay the bill, so the boy was discharged. The Court, in holding the hospital and physicians liable for the boy's crippled condition, said the jury could have found that the hospital "had prematurely and willfully discharged themselves from attention to the case while the patient

was desperately ill and before he was cured without giving him information or adivce as to subsequent treatment or the desperate and dangerous condition and character of the disease . . ." 34 N.E.2d at 370.

Appellant's reliance on Darling v. Charleston Community Memorial Hospital, 33 Ill. 2d 326, 211 N.E.2d 253 (1965) as defining the duty owed by a hospital to its patients is likewise misplaced. In Darling a father sued the hospital and attending physicians for the negligent hospital and medical treatment given to his minor son. After a cast was placed on the boy's leg, gangreme set in which resulted in amputation of the leg. The court held that the hospital had a duty to supervise and review the attending physician's treatment of the patient. As for the breach of that duty, the court said a jury could have

found that the hospital was negligent because of the failure of its nurses to properly observe and report the patient's condition and its own failure to properly review and supervise the care being given by the attending physicians.

The outrageous conduct by the hospitals which gave rise to liability in the two aforementioned cases is entirely absent in the present case. Mr. Modla was admitted for treatment of lesions on his lips. His condition may have been uncomfortable, but helpless he was not. Nor is there any proof or even allegation that the hospital staff did anything to the plaintiff which either actively retarded his treatment or worsened his condition.

A logical extension of appellant's argument highlights the fallacy in his basic premise. Once a hospital has admitted a patient, then in all cases the hospital cannot discharge the patient until he is cured. No

case has been cited which would impose such a duty, nor has this court found such authority on its own research. Not having found that Southside Hospital breached any duty owed to plaintiff, there was no material issue of fact and appellee was entitled to judgment as a matter of law.

Appellant also contends that the trial court failed to rule on his motion to amend the complaint by adding new parties and consequently the judgment appealed from was not final for it adjudged fewer than all of the rights and liabilities of the parties. The argument concludes by stating that the Court of Appeals thereby lacked jurisdiction and the case should be remanded back to superior court for a ruling on the motion.

The answer to appellant's unique argument lies in the effect to be given the failure of the trial court to rule on the motion to amend by adding additional parties. In Col-

boch v. Aviation Credit Corp., 64 Ariz. 88 166 P2d 564 (1946), the court in addressing itself to the failure of the trial judge to rule on defendant's motion for a bill of particularsheld that the trial court's order of judgment may be considered as a denial of the motion. We consider that rule to be applicable on this question and hold that granting of judgment may be considered as a denial of the motion to amend and thus dispositive of the entire argument.

The last contention urged by plaintiff is that the trial court erred in failing to grant him a continuance prior to the hearing on appellees' second motion for summary judgment. The grounds urged at the time of making the motion were that appellant was without counsel and he was ill.

A motion for a continuance is directed to the sound discretion of the trial court predicated on good grounds. Evans v. Lundgren, 11 Ariz. App. 441, 465 P.2d 380 (1970)

motion for summary judgment was originally set for July 10, 1970. On June 3, the court granted appellant's counsel his request for leave to withdraw. In the order appellant consented to and approved of withdrawal of his counsel and expressed a desire to represent himself or obtain other counsel. In addition the order advised appellant of the date set for hearing appellees' motions for summary judgment and appellant acknowledged that he would be prepared for the same. After withdrawal of counsel, the court granted several extensions of time for appellant to submit opposing memoranda with attached affidavits. In view of the fact that appellant created the situation of lack of counsel which he now claims to be prejudicial, we do not find the trial court abused its discretion in denying a continuance on that ground.

In regard to the illness which supposedly prevented appellant from properly preparing

his case, he submitted a letter from a physician who merely "recommended that Mr. Modla have two weeks rest." The motion was properly denied because of the insufficiency of the supporting affidavit. See, 68 A.L.R.2d 470 for a thorough discussion of the factors to be considered in passing upon a motion for continuance on the grounds of illness.

For the foregoing reasons, the judgment is affirmed.

Eino M. Jacobson, Judge

CONCURRING:

Levi Ray Haire, Chief Judge
Division I

William E. Eubank, Judge

SUPREME COURT
STATE OF ARIZONA
Phoenix

June 21, 1972

| | | |
|---|---|---|
| STEVE MODLA, Appellant, vs. SCOTTY PARKER and SOUTHSIDE HOSPITAL, Appellees. | ) | No. 10890-PR (Supreme Court) |
| | ) | No. 1 CA-CIV 1554 (Court of Appeals) |
| | ) | Nos. C-221844 and C-221844 (Consolidated) (Maricopa County) |

The following action was taken by the Supreme Court of the State of Arizona on June 20, 1972, in regard to the above-entitled cause:

"ORDERED: Petition for Review=DENIED."

Record returned to the Court of Appeals, Division One, this 21st day of June, 1972.

CLIFFORD H. WARD, Clerk

By Mary Ann Hopkin

TO: Galen H. Wilkes, Esq., 404 United Bank Building, Phoenix, 85012
Nicholas Udall, Esq., 111 West Monroe Street, Phoenix 85003
Hon. Marilyn A. Riddel, Judge of the Superior Court of Maricopa County, 101 West Jefferson, Phoenix 85003
Clerk, Court of Appeals, Division One, 309 Capitol Bldg., Phoenix 85007
West Publishing Company, 50 W. Kellogg Blvd. St. Paul, Minnesota 55102

COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

Mr. Clifford H. Ward, Clerk
Arizona Supreme Court
225 State Capitol Building
Phoenix, Arizona 85007

Dear Mr. Ward:

RE: 1 CA-CIV 1554

MODLA v. PARKER, et al,

MARICOPA County
Superior Court
Nos. C-221844
and C-221845
(Consolidated)

The motion for rehearing was denied on the 2nd day of May, 1972.

A timely petition for review was filed by this Court on the 5th day of May, 1972. Pursuant to the mandate contained in Supreme Court Rule 47 (b), the record is hereby transmitted to your Court, as follows:

1. PETITION FOR REVIEW (7)

2. Order denying motion for rehearing (6);

3. RESPONSE TO MOTION FOR REHEARING (6);

4. MOTION FOR REHEARING (6);

5. ABSTRACT OF RECORD (3);

6. APPELLANT'S OPENING BRIEF (3);

7. APPELLEES' ANSWERING BRIEF (3);

8. APPELLANT'S REPLY BRIEF (3);

9. Documents filed in the Court of Appeals, Division one;

10. Minute Entries;

11. Instruments.

May 15, 1972
Mr. Clifford H. Ward, Clerk

RE: 1 CA-CIV 1554

In the event the Supreme Court accepts the review, we will endeavor to secure and forward the remaining sets of abstract of record and breifs.

Very truly yours,

CLASSIE GANTT, Clerk
By

_____
Deputy Clerk

Enclosures

cc: Mr. Galen H. Wilkes
Mr. Nicholas Udall
The Hon. Marilyn A. Riddel, judge

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of September, 1972, three copies of the Petition for Writ of certiorari were mailed, postage prepaid, to Nicholas Udall, Esq., 111 West Monroe, Phoenix, Arizona 85003, Counsel for Respondents. I further certify that all parties required to be served have been served.

Steven Modla

Steven Modla
1060 South Mesa Drive
Mesa, Arizona 85202
In Propria Persona

SUPREME COURT OF THE UNITED STATES

September Term, 1972

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| | | |
|---|---|---|
| STEVEN MODLA, | ) | |
| | ) | |
| Petitioner, | ) | NO. |
| | ) | |
| vs. | ) | |
| | ) | |
| SOUTHSIDE HOSPITAL and SCOTTY PARKER, et al, | ) | |
| | ) | |
| Respondents. | ) | |
| | ) | |
| | ) | |

To: Nicholas Udall, Esq., Counsel for Respondent

YOU ARE HEREBY NOTIFIED that a petition for a writ of certiorari in the above entitled and numbered case was docketed in the Supreme Court of the United States on the 18th day of September, 1972.

Steve Modla

Steven Modla, Petitioner
1060 South Mesa Dr.
Mesa, Arizona 85202
In Propria Persona